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LETTER

FROM

AN AGED AND A RETIRED CITIZEN OF BOSTON

TO A

MEMBER OF THE HOUSE OF REPRESENTATIVES OF
MASSACHUSETTS,

ON

COERCIVE MEASURES

IN

AID OF TEMPERANCE.

SECOND EDITION.

BOSTON:

1848.

EASTBURN'S PRESS.

LETTER.

TO WILLIAM HAYDEN, ESQ., }
Member of the House of Representatives of Massachusetts. }

BOSTON, *April 8th*, 1848.

DEAR SIR:

YOU are no stranger to the fact, that I have long regarded with deep interest the temperance movement in this State. I admit that it has occasioned the most salutary reform in the moral habits of society that the world has ever witnessed; and I have contributed to its progress by all the means in my power, so long as it was confined to its legitimate object. This, in fact, ought to be considered *simply* as a "*call to the unconverted*," in view of fixing the attention of the individual upon the unsuspected dangers of his own habits, and of displaying the insidious and ruinous temptations to which he is exposed, by precept and example. But I am nearly discouraged, in perceiving that the leaders of this reform—yielding to the propensity of all reformers, except his who "left an example that we should follow his steps"—have adopted a system of coercion instead of persuasion, and attempt to compel the consciences of men by stretching the laws beyond the stringency of the old blue laws of our forefathers. This I lament, not merely because it is wrong in itself, but because it inevitably leads to a reaction that will leave matters worse than they were before the tem-

majority of three thousand, declared against the license system. This year, that majority is said to be reduced to one third. In our State, it is not to be doubted that opposition to the system has increased and is increasing. Many are restrained from open demonstration of hostility, by reluctance to be classed with the intemperate—many by hypocrisy—many by a nervous temperament, the fear of calumny and of hard names. Meanwhile, a strong sympathy is created with those who, having been bred to a vocation which the laws allowed, and embarked their capital in it, are threatened with deprivation of their means of subsistence, and denounced as bad members of society. All these are brooding over their discontent, and preparing, some of them unconsciously, to combine with any party, in putting down those who deny them the exercise of the most natural of rights—of appeasing thirst by the choice of their own potations—and who, by forcing all to drink water, would prevent many from gaining their bread.

It is the undisguised object of the prominent reformers, to procure the enactment of such new laws, or to countenance such construction of the old laws, as will, in effect, amount to a *total prohibition* of the sale of spirituous liquors, and of consequence to prevent their consumption—at least, to confine it to a *privileged aristocracy* of those who can afford to buy and “drink a hogshead out.” This object is, in other words, to *regulate the diet of the people*, by investing a majority with the power to control the economy of private families, through the aid of the legislative or municipal authorities, or a concurrence of both. A claim so extravagant, oppressive, and in fact absurd, cannot have been viewed in its true light by many worthy persons whose zeal is the cause of, and may

stump," and quite below the dignity of our political fathers.

Another view of the subject. The best definition of liberty perhaps is, the faculty of doing what the laws permit; and the most wretched condition of slavery is proverbially that in which the laws are uncertain or unknown. They are *both*, when made to conflict with each other. The laws of the United States admit the importation of spirituous liquors, and raise revenue from it. This inevitably involves the right to sell the imported article, in virtue of the supreme law of the land; subject only to laws of the States made for *regulation of their domestic police*. This power to regulate is *partial*, and must be consistent with the paramount *general* power to import and sell. It is an exception which should be so construed as to stand with the rule. But to convert the exception into the rule, is to bring the law of the State into conflict with the supreme laws of the Union. Thus, while these supreme laws permit a particular traffic, and the United States participate in its profits by filling their treasury, the laws of an inferior jurisdiction, according to modern construction, condemn the traffic, and doom its agents to fine and imprisonment. This construction of the State law by the municipal authorities—reposing upon legislative countenance—whereby they assume to withhold *all licenses*, and thus substantially interdict *all sales* and all consumption, at their discretion, is a huge pretension, at variance with the uniform procedure of our ancestors, ever since the first settlement of the country. It is not less repugnant to the principles of a free government, whose laws should be equally applicable to all the citizens, irrespective of their habitation. But as the license laws are administered—with the countenance of the Leg-

cases, become legislators and repealers. They resolve that licenses *may not* be granted ; and, when such refusal becomes universal, which it is the object of some legislators to make it, the law itself becomes a dead-letter on the statute book. The true and manly course, for the advocates of these anomalies, would be to move, in plain terms, for a prohibition to *drink* wine or spirits, and to enforce penalties against the *drinkers*, who are the parties at fault. There is certainly nothing wrong, *in itself*, in the sale of spirits. The mere sale of a bottle of wine is not, *intrinsically*, worse than the sale of a Bible. There is nothing good or bad in either act. The whole fault consists *in the drinking*. If this is wrong in a citizen of Massachusetts, it must be equally so in those who come within our jurisdiction from other States and countries. It would be fair, however, to warn these against coming hither to banquets or other symposia. They might otherwise be misled ; as, in the public papers, a few months since, Judge Story's wine was advertised for sale, as having been especially imported for the use of the Judges of the Supreme Court of the United States ; and, in the same papers, was to be seen a notice of the lectures of Mr. Gough, the reformed drunkard.

It seems that a bill has lately been reported to the House of Representatives, imposing prohibitions upon the sale of spirituous liquors, but excepting from its penalties sales for *sacramental* purposes. This presents an effort to blend and reconcile a divine injunction with a secular prohibition, that would seem to be of a revolting and irreverent character to those who do not justly appreciate the good intentions of its movers. It conclusively implies that our blessed Saviour, in his last mournful and heart-breaking in-

bad government—*ill humor among the people at large*. Let them leave the rest to the teachings of example, to the temperance societies, and to Father Matthew. This worthy person may be expected to display, in more graphic colors than Hogarth, the contrast between “beer street and gin lane,” and the advantages of “water street” over both; and all good members of society will second his efforts.

I venture to make these suggestions to you, and to place them at your disposal. With an experience in the legislation of Massachusetts, equal, I believe, to that of any living person, I have an abiding conviction that I have never witnessed any attempt to legislate, so adverse to *the rights of man*, as some which are made in our General Court, respecting the subject of temperance. They are a prelude to a system of sumptuary laws, which, if not resisted, will become a substitute for family government. Somebody ought to speak out, in opposition to this course. Somebody, who has no personal interest, and no friend or connexion interested in the result—who drinks but little, who was never in the habit of drinking much, and who has no occasion to recur to a vendor of spirituous liquors to replenish his stock. I do not add my name, not presuming that it can have much influence with the generation that has grown up since I have become dead to the busy world; but, if any of your friends have the curiosity to know whether the writer comes fairly within the above category, you are at liberty to mention it.

I am, very faithfully and respectfully,

Your old friend,

ANTIQUARY.

Boston, April 7, 1848.